IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2156 OF 2004.

Deepak Phulchand Malviya. ... Petitioner

Versus.

The State of Maharashtra. ... Respondent.

Shri Jayesh B.Kocheta for the Petitioner.

Shri M.M.Deshmukh A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 10th June, 2005.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned A.P.P. for the State.

2. The Petitioner who is an accused made an application for discharge before the learned Magistrate. F.I.R. has been registered against the Petitioner for offence punishable under sections 420, 465, 467, 468, 471, 472 and 473 of the Indian Penal Code. The learned Magistrate rejected the Application made by the Petitioner. Considering the material produced on record, the learned Magistrate held that there was primafacie evidence on record against the Petitioner. The order of the learned Magistrate was challenged by filing a Revision Application before the Sessions Court.

The said Revision Application has been rejected.

3. The Application for discharge made by the Petitioner

has been rejected on the basis of finding that there is primafacie material against the Petitioner. After having heard the learned Counsel appearing for the Petitioner, I find no fault with the concurrent orders of the Courts below.

4. The petition is dismissed. It is made clear that the observations which are made in the impugned orders are only tentative observations made for the limited purpose of considering the prayer for discharge.

5. Parties to act on authenticated copy of this order.

Judge.